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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,623	06/18/2001	Pavitra Subramaniam	OIC0043US	4377
60975	7590	07/30/2007	EXAMINER	
CAMPBELL STEPHENSON LLP			RIMELL, SAMUEL G	
11401 CENTURY OAKS TERRACE			ART UNIT	PAPER NUMBER
BLDG. H, SUITE 250			2164	
AUSTIN, TX 78758				

  

MAIL DATE	DELIVERY MODE
07/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/883,623	SUBRAMANIAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sam Rimell	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 17 April 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-3,5-10 and 21-41 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5-10 and 12-41 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

Preliminary Note: The examiner's non-final office action of April 7, 2006 included a typographical error. The rejection of claims 3, 18, 23 and 31 should have been Kessenich in view of Nishizawa and Whitman, rather than Kessenich in view of Whitman. Given that the present office action incorporates this correction, this office action has been made non-final.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 32, 35-36, 38 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 32, 35-36, 38 and 40: For each of these claims, the "abstraction layer", as well as "the abstraction layer provides wrapping" is new matter since it is not taught in the original disclosure. While the original disclosure does refer to an "abstraction", and abstraction is not the same as an "abstraction layer". An "abstraction" is typically a set of information whereas an "abstraction layer" is a set of functions. Additionally, there is no specific teaching for an abstraction layer providing "wrapping". Accordingly, these features are new matter.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 33-35, 37, 39 and 41 are rejected under 35 U.S.C. 101 because the claimed invention is inoperable and therefore non-statutory.

Claims 33-35, 37, 39, 41: Each of these claims calls for a search execution business service which is independent of a database and has access to a plurality of database. Since “the database” can be one of the plurality of databases, the claims allow for the service to be both independent of and accessible to “the database”. Since it is logically impossible to be independent of a database and at the same time have an accessible connection to the very same database, the claims set up a contradictory condition which is not physically possible. Accordingly, the issue of inoperability is raised for these specific claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-10, 12-17, 19-22 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessenich (U.S. Patent 6,292,802) in view of Nishizawa (U.S. Patent 6,694,306).

The reasons for this rejection were set forth in the office action of April 7, 2006 and are hereby incorporated by reference.

Claims 3, 18, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessenich (U.S. Patent 6,292,802) in view of Nishizawa (U.S. Patent 6,694,306) and further in view of Whitman (U.S. Patent 6,772,150).

The reasons for this rejection were set forth in the office action of April 7, 2006 and are hereby incorporated by reference.

Remarks

Applicant's primary argument is that the secondary reference to Nishizawa does not disclose a virtual business component and that a search execution business service is allegedly not invoked by the virtual business component. Both arguments are incorrect. The virtual table (119) reads clearly as the virtual business component since a virtual table is literally a virtual business component. Additionally, the reference of Nishizawa clearly indicates that application manager (106) issues a query against the virtual table (119) (col. 5, lines 33-35) by reason that the query references columns on the virtual table. The "search execution business service" is merely the service of executing a query which has invoked the columns of the virtual table.

Applicant's arguments also contain assumptions that either query optimizer or virtual table manager are the "search execution business service". While these components may facilitate the search execution, the "search execution business service" is merely the service of executing a query which has invoked the columns of the virtual table. The examiner has not stated that this service is only one or two physical components, but is the instead is the actual service of performing query execution.

This action is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
Art Unit 2164